

Notice of Allowability

Application No.

10/726,568

Applicant(s)

ADLER ET AL.

Examiner

Michael Brannock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to that of 3/26/2007.
2. ☒ The allowed claim(s) is/are 235-271.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/26/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


JANET L. ANDRES
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robin Teskin on March 30, 2007.

The application has been amended as follows:

E.A.1 In claims 237-243, please replace the phrase "contained in" with the word "of".

Please replace claims 235, 236, 244, 248, 249, 250, 259, 265, 267, 271 with the

following:

E.A.2 235. A method for identifying a compound that putatively modulates or elicits sweet taste in a human subject comprising:

(i) screening one or more compounds in a binding assay comprising contacting said one or more compounds with a human T1R3 polypeptide, wherein said T1R3 polypeptide is selected from the group consisting of:

(a) a human T1R3 polypeptide having the amino acid sequence of SEQ ID

NO: 4;

(b) a human T1R3 polypeptide encoded by a nucleic acid sequence that specifically hybridizes to the hT1R3 nucleic acid sequence of SEQ ID NOs: 2, 3 or 20 under stringent hybridizations which are: conducting hybridization at 42 degrees C in a solution

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comprising 50% formamide, 5X SSC, and 1% SDS, and washing at 65 degrees C in a solution containing 0.2X SSC and 0.1% SDS, and which human T1R3 polypeptide specifically binds to a sweet ligand; and

(c) a human T1R3 polypeptide which has at least 90% sequence identity to the amino acid sequence of SEQ ID NO: 4;

(ii) whereby a compound that putatively modulates or elicits sweet taste is identified by its specific binding to a human T1R3 polypeptide according to (a), (b), (c) or its inhibition or enhancement of the specific binding of another compound to a T1R3 polypeptide according to (a), (b) or (c).

236. The method of claim 235, wherein said T1R3 polypeptide has an amino acid sequence comprising SEQ ID NO: 4.

244. The method of claim 243, wherein said T1R3 polypeptide is encoded by an expression vector.

248. The method of claim 235, wherein the T1R3 polypeptide is expressed in an isolated cell.

249. The method of claim 235, wherein the T1R3 polypeptide is in the cell membrane of an isolated cell.

250. The method of claim 235, wherein the binding assay comprises detecting binding by detecting a change in T1R3 polypeptide conformation.

259. The method of claim 235, wherein the assay includes the use of a label, wherein said label allows for the identification of a compound that specifically binds to said T1R3

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polypeptide or that modulates the specific binding of another compound to said T1R3 polypeptide.

265. The method of claim 235, wherein the binding assay uses and isolated or permeabilized cell that expresses said T1R3 polypeptide.

267. The method of claim 235, wherein the binding assay detects binding of a compound to said T1R3 polypeptide based on a detectable change in spectrophotometric characteristics selected from the group consisting of fluorescence, absorbance or refractive index.

271. The method of claim 235, which further includes step (iii) whereby said putative taste modulating compound is assayed in a human taste test.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brannock, Ph.D., whose telephone number is (571) 272-0869. The examiner can normally be reached on Mondays through Fridays from 10:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, Ph.D., can be reached at (571) 272-0867. Official papers filed by fax should be directed to **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

MB

A handwritten signature, possibly reading 'MB', is written in dark ink.

March 30, 2007